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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ARACELI MEZA,)	Case No.: 2:23-cv-01967-JDP
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	FOR AN EXTENSION OF TIME
vs.)	
MARTIN O'MALLEY,)	
Commissioner of Social Security, ¹)	
)	
Defendant.)	

Pending the Court's approval, IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel of record, that the time for Defendant to respond to Plaintiff's Motion for Summary Judgment be extended thirty (30) days from January 16, 2024, up to and including February 15, 2024. This is the Defendant's first request for an extension.

Based on his review of the record, undersigned counsel requires additional time to explore settlement options.

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Undersigned counsel was assigned this matter on December 21, 2023. Since that time, undersigned counsel:

- Was out of the office for two federal holidays;
- Filed two district court matters;
- Negotiated settlements in five attorney fee matters;
- Filed a brief objecting to a request for attorney fees;
- Has been training a new attorney who joined the office on December 4, 2023;
- Assisted another attorney who was out of the office; that attorney is training another new attorney. That new attorney unexpectedly required additional assistance during the last three weeks.

These circumstances prevented undersigned counsel from reviewing the record earlier.

Defendant apologizes to the Court for any inconvenience caused by this delay.

Undersigned counsel contacted Plaintiff's counsel on January 8, 2024, and he had no objection to this request.

The parties further stipulate that the Court's Scheduling Order shall be modified accordingly.

Respectfully submitted,

Dated: January 8, 2024

/s/ Francesco P. Benavides*
(*as authorized via e-mail on January 8, 2024)
FRANCESCO P. BENAVIDES
Attorney for Plaintiff

Dated: January 8, 2024

PHILLIP A. TALBERT
United States Attorney
MATHEW W. PILE
Associate General Counsel
Social Security Administration

By: /s/ Noah Schabacker
NOAH SCHABACKER
Special Assistant U.S. Attorney
Attorneys for Defendant

ORDER

Pursuant to the parties' stipulation, IT IS SO ORDERED that Defendant shall have an extension, up to and including February 15, 2024, to respond to Plaintiff's Motion for Summary Judgment.

IT IS SO ORDERED.

Dated: January 9, 2024


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE